

AMENDED IN SENATE AUGUST 27, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 603**

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**Introduced by Assembly Member Price**  
**(Coauthor: Assembly Member Villines)**  
**(Coauthor: Senator Corbett)**

February 21, 2007

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An act to amend Section 2166.5 of the Elections Code, relating to voter registration.

### LEGISLATIVE COUNSEL'S DIGEST

AB 603, as amended, Price. Voter registration: confidentiality.

(1) Existing law establishes programs until January 1, 2008, known as “Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking” and “Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, and Patients” that authorizes specified persons to complete an application containing specified information in person at a community-based victims’ assistance program to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant’s residence address contained in any public record, including the program participant’s voter registration. Existing law requires the Secretary of State to act as that person’s agent for service of process and to designate a substitute mailing address for program participants pursuant to specified procedures that state and local agencies are required to use at the request of a program participant.

Under existing law, any person who makes a false statement in an application is guilty of a misdemeanor, and any person who is granted confidentiality pursuant to these provisions may file a new affidavit of voter registration or reregistration and be considered an absent voter for subsequent elections until the county elections official is notified otherwise by the Secretary of State or the voter.

This bill would extend the application of these programs until January 1, 2013. By increasing the duties of local public officials and extending the operation of an existing crime, the bill would impose a state-mandated local program.

(2) *This bill would incorporate additional changes in Section 2166.5 of the Elections Code, proposed by AB 1243, to be operative only if AB 1243 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

(2)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2166.5 of the Elections Code is amended  
2 to read:  
3 2166.5. (a) Any person filing with the county elections official  
4 a new affidavit of registration or reregistration may have the  
5 information relating to his or her residence address, telephone  
6 number, and e-mail address appearing on the affidavit, or any list  
7 or roster or index prepared therefrom, declared confidential upon  
8 presentation of certification that the person is a participant in the  
9 Address Confidentiality for Victims of Domestic Violence, Sexual  
10 Assault, and Stalking program pursuant to Chapter 3.1  
11 (commencing with Section 6205) of Division 7 of Title 1 of the

1 Government Code or a participant in the Address Confidentiality  
2 for Reproductive Health Care Service Providers, Employees,  
3 Volunteers, and Patients program pursuant to Chapter 3.2  
4 (commencing with Section 6215) of that division.

5 (b) Any person granted confidentiality under subdivision (a)  
6 shall:

7 (1) Be considered an absent voter for all subsequent elections  
8 or until the county elections official is notified otherwise by the  
9 Secretary of State or in writing by the voter. A voter requesting  
10 termination of absent voter status thereby consents to placement  
11 of his or her residence address, telephone number, and e-mail  
12 address in the roster of voters.

13 (2) In addition to the required residence address, provide a valid  
14 mailing address to be used in place of the residence address for  
15 election, scholarly, or political research, and government purposes.  
16 The elections official, in producing any list, roster, or index may,  
17 at his or her choice, use the valid mailing address or the word  
18 “confidential” or some similar designation in place of the residence  
19 address.

20 (c) No action in negligence may be maintained against any  
21 government entity or officer or employee thereof as a result of  
22 disclosure of the information that is the subject of this section  
23 unless by a showing of gross negligence or willfulness.

24 (d) Subdivisions (a) and (b) shall not apply to any person granted  
25 confidentiality upon receipt by the county elections official of a  
26 written notice by the address confidentiality program manager of  
27 the withdrawal, invalidation, expiration, or termination of the  
28 program participant’s certification.

29 (e) This section shall remain in effect only until January 1, 2013,  
30 and as of that date is repealed, unless a later enacted statute, that  
31 is enacted before January 1, 2013, deletes or extends that date.

32 *SEC. 1.5. Section 2166.5 of the Elections Code is amended to*  
33 *read:*

34 2166.5. (a) Any person filing with the county elections official  
35 a new affidavit of registration or reregistration may have the  
36 information relating to his or her residence address, telephone  
37 number, and e-mail address appearing on the affidavit, or any list  
38 or roster or index prepared therefrom, declared confidential upon  
39 presentation of certification that the person is a participant in the  
40 Address Confidentiality for Victims of Domestic Violence, *Sexual*

1 *Assault*, and Stalking program pursuant to Chapter 3.1  
2 (commencing with Section 6205) of Division 7 of Title 1 of the  
3 Government Code or a participant in the Address Confidentiality  
4 for Reproductive Health Care Service Providers, Employees,  
5 Volunteers, and Patients program pursuant to Chapter 3.2  
6 (commencing with Section 6215) of that division.

7 (b) Any person granted confidentiality under subdivision (a)  
8 shall:

9 (1) Be considered ~~an absent~~ *a vote by mail voter* for all  
10 subsequent elections or until the county elections official is notified  
11 otherwise by the Secretary of State or in writing by the voter. A  
12 voter requesting termination of ~~absent voter~~ *vote by mail* status  
13 thereby consents to placement of his or her residence address,  
14 telephone number, and e-mail address in the roster of voters.

15 (2) In addition to the required residence address, provide a valid  
16 mailing address to be used in place of the residence address for  
17 election, scholarly, or political research, and government purposes.  
18 The elections official, in producing any list, roster, or index may,  
19 at his or her choice, use the valid mailing address or the word  
20 “confidential” or some similar designation in place of the residence  
21 address.

22 (c) No action in negligence may be maintained against any  
23 government entity or officer or employee thereof as a result of *the*  
24 disclosure of the information that is the subject of this section  
25 unless by a showing of gross negligence or willfulness.

26 (d) Subdivisions (a) and (b) shall not apply to any person granted  
27 confidentiality upon receipt by the county elections official of a  
28 written notice by the address confidentiality program manager of  
29 the withdrawal, invalidation, expiration, or termination of the  
30 program participant’s certification.

31 (e) This section shall remain in effect only until January 1, ~~2008~~  
32 *2013*, and as of that date is repealed, unless a later enacted statute,  
33 that is enacted before January 1, ~~2008~~ *2013*, deletes or extends  
34 that date.

35 *SEC. 2. Section 1.5 of this bill incorporates amendments to*  
36 *Section 2166.5 of the Elections Code proposed by both this bill*  
37 *and AB 1243. It shall only become operative if (1) both bills are*  
38 *enacted and become effective on or before January 1, 2008, (2)*  
39 *each bill amends Section 2166.5 of the Elections Code, and (3)*

1 *this bill is enacted after AB 1243, in which case Section 1 of this*  
2 *bill shall not become operative.*

3 ~~SEC. 2.~~

4 SEC. 3. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution for certain  
6 costs that may be incurred by a local agency or school district  
7 because, in that regard, this act creates a new crime or infraction,  
8 eliminates a crime or infraction, or changes the penalty for a crime  
9 or infraction, within the meaning of Section 17556 of the  
10 Government Code, or changes the definition of a crime within the  
11 meaning of Section 6 of Article XIII B of the California  
12 Constitution.

13 However, if the Commission on State Mandates determines that  
14 this act contains other costs mandated by the state, reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.